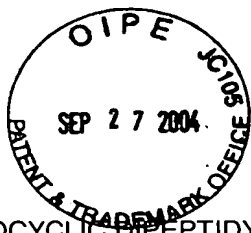


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Biftu, et al.

Serial No. 10/501,059

Filed: July 9, 2004

For: BETA-AMINO HETEROCYCLIC DIPEPTIDYL
PEPTIDASE INHIBITORS FOR THE TREATMENT OR
PREVENTION OF DIABETESArt Unit: 1652Examiner: TO BE ASSIGNEDCommissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR 1.97

Sir:

1. In compliance with 37 C.F.R. 1.97, submitted on the attached form herewith is a list of patents, publications or other information which are requested to be made of record in this application. This Information Disclosure Statement is not an admission that any patent, publication or other information referred to herein is "prior art" for this invention. In accordance with 37 C.F.R. 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b).

2. In accordance with 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.

3. Applicants respectfully request that the Examiner initial the attached form after reviewing the pertinence of each reference.

4. Pursuant to the waiver by the Office of the requirement under 37 CFR 1.98 (a)(2)(i) dated July 11, 2003, if the filing date of this application is after June 30, 2003, copies of each cited U.S. patent and each U.S. patent application publication are not enclosed herewith.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK & CO., INC.

By Walter Burger Date 9-23-04

INFORMATION DISCLOSURE STATEMENT

5. Pursuant to 37 C.F.R. 1.98(d), copies of references listed on the attached form that were submitted to or cited by the Office in a related application upon which the instant application relies for an earlier filing date under 35 U.S.C. 120 are not enclosed. Related application(s) in which references were submitted to or cited by the Office are as follows:

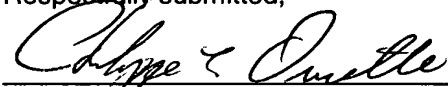
RELATED APPLICATION		
U. S. SERIAL NUMBER	FILING DATE	MERCK CASE

If this is inconvenient, additional copies will be submitted upon request.

6. In accordance with 37 C.F.R. 1.97, (check one)

- ☐ the attached information is filed within three months of the filing date of the captioned case.
- ☒ the attached information is filed more than three months after the filing date but prior to the mailing of a first Office Action on the merits.
- ☐ the attached information is being filed more than three months after the filing date and after the mailing of a first Office Action on the merits, but before the mailing date of a Final Action or Notice of Allowance. The enclosed authorization is therefore given to charge Deposit Account No. 13-2755 for the fee required under 37 C.F.R. 1.17(p).
- ☐ the undersigned certifies that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.
- ☐ the undersigned certifies that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated under 37 C.F.R. 1.56(c) more than three months prior to the filing of this Statement.

Respectfully submitted,



By: Philippe L. Durette

Attorney _____ For Applicant(s)

Reg. No. 35,125

MERCK & CO., INC.

Patent Dept., RY60-30

P.O. Box 2000

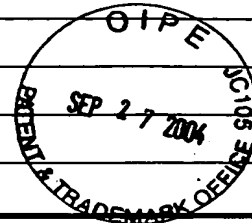
Rahway, N.J. 07065-0907

(732)594- 4568

Date: September 23, 2004

COMPLETE IF KNOWN

Application Number	10,501,059
Filing Date	July 9, 2004
First Named Inventor	Biftu, et al.
Group Art Unit	1652
Examiner Name	
Attorney Docket Number	21247YP



Sheet	1	of	3
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[illegible]

Examiner Initials*	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Office	Number	Kind Code (if known)		
	A	PCT	WO 03/082817 A2		MERCK & CO., INC.	10/09/2003
	B	PCT	WO 03/000180 A2		MERCK & CO., INC.	01/03/2003
	C	PCT	WO 03/000181 A2		MERCK & CO., INC.	01/03/2003
	D	PCT	WO 03/000181 A3		MERCK & CO., INC.	01/03/2003
	E	PCT	WO 02/076450 A1		MERCK & CO., INC.	10/03/2002
	F	PCT	WO 2004/007468 A1		MERCK & CO., INC.	01/22/2004
	G	PCT	WO 2004/032836 A2		MERCK & CO., INC.	04/22/2004
	H	PCT	WO 2004/050022 A2		MERCK & CO., INC.	06/17/2004
	I	PCT	WO 2004/058266 A1		MERCK & CO., INC.	07/15/2004
	J	PCT	WO 2004/064778 A2		MERCK & CO., INC.	08/05/2004

Date
Considered

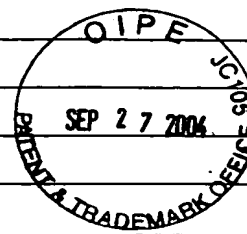
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(use as many sheets as necessary)

Attorney Docket Number	21247YP
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Novartis AG: WO0034241, "Novel N-substituted-2-Cyanopyrrolidines as Potent Inhibitors of Dipeptidyl Peptidase IV in the Treatment of Non-Insulin-Dependent Diabetes Mellitus", Exp. Opin. Ther. Patents, Vol 10(12), pp. 1937-1942, 2000

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